

Backfit Review Panel Minutes
January 15, 2016 Meeting

Attendees: Marissa Bailey (panel chair), Adam Gendelman (panel member), Alex Garmoe, Alex Popova, Tony Gody (panel member, via phone), Joel Wiebe (via phone), Dave Beaulieu (via phone)

Marissa welcomed everyone to the meeting and provided a high level overview of the purpose of the backfit review panel.

Alex Garmoe and Joel Wiebe provided a summary of the backfit that was issued on October 9, 2015, and the licensee's appeal that was dated December 8, 2015. He also summarized the initial actions taken in response to the appeal in accordance with MD 8.4 and LIC-202, which included drafting and sending an acknowledgment letter to the licensee and drafting a charter establishing the panel, which was signed by the NRR Office Director on January 12, 2016.

Alex and Marissa explained that the licensee has indicated they would like a public meeting, though a formal response was still forthcoming. Tony expressed a desire to participate in person, which Marissa supported. **Action 1 assigned to Alex Garmoe to find a couple potential dates for a public meeting.**

The individuals discussed the timeline for the review, recommendation to the NRR Office Director, and subsequent letter back to the licensee. Since the licensee wants a public meeting, the timeline per the charter is to send a memo to the NRR Office Director with the panel's recommendation no later than three weeks after the public meeting. **Action 2 assigned to Alex Garmoe to start developing a shell document for the panel's conclusions.**

Adam Gendelman provided background and historical information on use of the compliance exception for backfits.

There was discussion amongst the entire group about the role of the panel and to be cautious to not re-inspect the technical issue but to focus on the licensee's appeal, which is claiming that use of the compliance backfit exception was not appropriate in this case.

The panel agreed that it would be helpful to have individuals involved in the initial backfit decision explain the decision and how the process played out at the time. **Action 3 assigned to Alex Garmoe to identify the knowledgeable individuals and arrange a discussion. Action 4 assigned to Alex Popova to provide the NSAL associated with this issue to the panel.**

The panel meeting was adjourned.